FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2547 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.D.R.More, APP for the State.

Coram : R.S.Mohite,J

Date : 14.2.2006.

PC

1. This is an appeal filed by the State impugning a judgment and order dated 16.10.2004 passed by the 4th Ad-hoc Asstt. Sessions Judge, Kolhapur, acquitting the accused for offences punishable under section 3(1)(x) of SC & ST Act, 1989, and 7(1) (d) of Protection of Civil Rights Act, 1955, 323, 504 & 427 of IPC. The prosecution case was that the complainant Vilas Kamble was a member of the gram panchayat. One of the groups in the panchayat was led by one Gajanan Patil who owns a house at village Malapude. He

was claiming some open space around his house and entered his name to that open space on gram panchayat record. Accused no.1 objected to it claiming that the said open space was of his ownership. A meeting was scheduled on 29.4.2004 to resolve this dispute. At this meeting, Gajanan Patil was called and accused no.1 was present alongwith wife, son and accused no.2. All the accused persons abused the complainant referring to his caste and beat him. It is seen that the acquittal by the trial Court is on cogent and acceptable reasons. The Court has referred to the enemity between the 2 groups and noted that all the prosecution witnesses were from one political group who were interested witnesses. Though the incident is said to have taken place on 29.4.2004, the trial Court has noted that there was a discrepency in the evidence of PW-3 as regards the proceedings on that date. There was also no medical evidence

to support the theory of the 3 witnesses to the effect that they were beaten up. In the circumstances, view taken is a possible view and therefore, leave is refused and consequently, appeal to stand dismissed.

(R.S.Mohite,J)